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IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE MIDDLE DISTRICT OF ALABAMA  
EASTERN DIVISION

ALONZO AUSTIN

Plaintiff

Case No.

V.

3:07-CV-754-MHT

CITY OF TUSKEGEE et al.)

Defendant's

PLAINTIFF'S STATEMENT OF MATERIAL FACTS

Plaintiff, submits the following Statement of Material Facts in support of its Motion (Doc # 35).

1. On Thursday August 9, 2007, approximately 11:00am the Defendant's, City of Tuskegee, Mayor: Johnny Ford, Municipal Court Judge Albert E. Bulls III, City Police Chief: Lester Patrick, Prosecutor: R. Keith Thomas, and City Police officer Bernice Dawson, of the City of Tuskegee, wrongfully and unlawfully initiated a malicious abuse of Criminal process prosecuting and finding Plaintiff Guilty of Speeding 55 MPH in a 55 MPH zone Pursuant to an UNLAWFUL Traffic Ticket # N 096 6261, issued by City officer Dawson, for Speeding outside of the Corporate Limits of the Municipality of Tuskegee's, erected and posted City Limits Sign, in Violation of § 32-5A-171(9), on July 5, 2007 at 8:40am.

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2. Pursuant to ALABAMA UNIFORM TRAFFIC TICKET AND COMPLAINT # N 0966261, CITY POLICE OFFICER BERNICE DAWSON, SWORN Testimony is that Plaintiff, ALONZO AUSTIN, did unlawfully operate a motor vehicle at or near ~~At 81~~, however, Dawson, Does not check the appropriate boxes to indicate whether or not Plaintiff, is Within the City Limit, or Police Jurisdiction, Neither does she, check the appropriate ~~Block~~ for Speeding. but she, does fill in 60 MPH, 45 Speed Limit. and also She Cites 32-5A-171, ~~Omitting SubSection~~. See: Plaintiff exhibit #1 (Doc #35)

3. OFFICER BERNICE DAWSON'S, Affidavit Contradicts her Sworn testimony Pursuant to ALABAMA UNIFORM TRAFFIC TICKET and COMPLAINT # N 0966261, See: Said Ticket in questions Plaintiff's, exhibit 1" (Doc. #35) and compare (Doc. #36) exhibit 2 Dawson Affidavit PG. 1, Par. 2, ending on PG. 2, with respect to date of event and the Change in Speed Limits, 4. Chief Lester Patrick, Affidavit PG. 2, Par. 3) (Doc. #36) exhibit 3 is. Contradicted by City Police Officer BERNICE DAWSON, Affidavit with respect to Current Speed Limit of 55, and not 45, as Chief Patrick States. See: Dawson Affidavit PG. 1, Par. 2 ending on PG. 2. (Doc. #36) acknowledging Current Speed Limit in the Area of 55.

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5. Plaintiff Alonzo Austin, and Defendant officer Bernice Dawson, are in agreement regarding the current Speed Limit of 55 MPH, outside of the "Tuskegee City Limit erected-posted Sign." again See: Bernice Dawson, Affidavit Pg. 2, Par. 2 (Doc#36). Plaintiff, Alonzo Austin, Affidavit States that the Speed Limit was 55 mph, on July 5, 2007, and I agree with officer Dawson that the current Speed Limit along AL-81, outside of the "Tuskegee City Limit erected-posted Sign" is 55 MPH, currently. See: Plaintiff's Affidavit "Exhibit 6" attached hereto and made a part hereof.

6. The Defendant's reliance upon ACT No. 2004-248 ~~is~~ a non issue pursuant to RES JUDICATA, as all issues were decided on August 9, 2007, in Case# TR-07-001959, within "Tuskegee's Municipal Court." Leaving only a question of Damages.

7. The Defendant's, have not presented any evidence of record indicating an alteration of the maximum Speed Limit along AL-81, outside of the "Tuskegee's City Limit erected-posted Sign", and the old Tuskegee or Western INN, location approved by the Department of Transportation, without such the speed of 55 mph, in that location has been in effect for many years according to Alabama Statute § 32-5A-174(d).

Respectfully Submitted,  
 By: Alonzo Austin, Pro Se  
 ALONZO AUSTIN, PRO SE

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by ~~Alonzo Austin Prose~~

ALONZO AUSTIN PROSE  
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TUSKEGEE, AL. 36083  
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## CERTIFICATE OF SERVICE

Via Certified Mail

I do hereby Certify that I have Served  
A Copy of the Foregoing Documents  
Upon the Defendants,

CITY OF TUSKEGEE et, al.

C/O NIX, HOLTSFORD, GILLAND & HILSON P.C.  
P.O. Box 4128

Montgomery, AL. 36103-4128

by Placing Same in the U.S. Mail  
Postage Prepaid on this the 28th of  
April, 2008.

~~Alonzo Austin Prose~~  
by ~~Alonzo Austin Prose~~

ALONZO AUSTIN PROSE

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AFFIDAVIT  
EXHIBIT '6'

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
EASTERN DIVISION

ALONZO AUSTIN

Plaintiff

v.

CITY OF TUSKEGEE et al,

Defendants

Case No.

3:07-CV-754 MHT

PLAINTIFF'S AFFIDAVIT IN SUPPORT OF ITS  
MOTION FOR SUMMARY JUDGMENT

STATE OF ALABAMA; SS.  
COUNTY OF MACON;

ALONZO AUSTIN, who, being first duly sworn  
deposes and says:

I am ALONZO AUSTIN, and have personal  
knowledge of the facts set forth.

1. This affidavit is submitted in support of  
the Plaintiff(s) motion for Summary Judgment,  
for the purpose of showing that there is in this  
action no genuine issue as to any material  
fact and that the Plaintiff(s) is entitled  
to judgment as a matter of Law.

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2. ON July 5, 2007, at 8:40 am, Plaintiff, was Stopped for Speeding ON AL. 81 N., outside of the "Tuskegee City Limit erected posted Sign," approximately a quarter mile outside of same and was given traffic ticket #N 096 6261, indicating 60, in 45 mph, by Tuskegee City Police Woman Bernice Dawson, pursuant to 32-5A-171, Sub Section omitted, stop occurred in the old Tuskegee on Western INN, Parking Lot South.

3. The erected posted Speed Limit Sign of 55 is ALSO approximately a quarter mile from said Stop, Near the "Tuskegee City Limit erected - posted Sign," Near the intersection of AL #81 and AL #199.

4. After officer Dawson, presented plaintiff, its copy of traffic ticket, plaintiff, reminded officer Dawson, that the Speed Limit where she activated her blue light causing the stop on AL. 81 N., was 55, not 45, and over the past 30 yrs I have driven 55, pursuant to the "posted Sign" along highway and would continue to do so unless there was a different "Posted Speed" along AL 81.

5. I was told to pay fine or appear in municipal Court by officer Dawson, on 8/9/07, at 9:00 am.

6. Plaintiff appeared on 8/9/07, at 9:00 am, in Tuskegee's Municipal Court where Judge Albert C. BULLS III, Denied my Motions and a plea of Not Guilty was entered for me over my objections by Judge BULLS, who ordered plaintiff to be sworn after which prosecutor THOMAS, took Dawson, testimony.

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7. Where officer Dawson, stated that she, was on assignment for the Tuskegee Police, shooting radar back toward the City, from her location at the Old Tuskegee or Western Inn, when she stopped Plaintiff, on July 5, 2007.

8. Judge Albert C. BULLS III, Found me Guilty of speeding 55/45 and ordered Plaintiff to pay fines totaling \$120<sup>00</sup> on August 9, 2007. See: EX. 3 (Doc. 35).

9. Plaintiff paid fine of \$20<sup>00</sup> and \$100<sup>00</sup> court cost leaving 0 balance case # TR-07-001959, for speeding. exhibit "2" of Complaint.

10. Plaintiff, file its Complaint, for Deprivation of Civil Rights, 42 U.S.C.A. § 1981, 83 and 1985, on August 23, 2007, within this Honorable Court.

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 by: Alonzo Austin, pro se  
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Valerie A. Hall